IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Sashi Sharma Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.427/2006

DATE OF ORDER :: Sept. 20, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.G.R.Goyal, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

BY THE COURT:

This criminal misc. petition under section 482 Cr.P.C. is directed against the order dt. 6.3.2006 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Sri Ganganagar (for short 'the trial court' hereinafter), whereby the trial court took the cognizance of the offences under sections 452, 323, 484 I.P.C. and section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short 'the Act' hereinafter).

I have heard learned counsel for the petitioner and the Public Prosecutor for the State.

It is contended by the learned counsel for the petitioner that the petitioner does not want to challenge the order taking cognizance of the offences under sections 452, 323, 484 I.P.C., however, he has confined to challenge the order taking cognizance for the offence under section 3(1)(x) of the Act contending that the occurrence was not in the public view and, therefore, no offence under section 3(1)(x) of the Act is made out.

From the perusal of the order impugned, it appears that the occurrence has been witnessed by other persons and, therefore, it cannot be said that it is not a public view, it has been viewed by the persons, who rescued the injured. In the circumstances, therefore, no case for interference in inherent jurisdiction is made out.

The petition is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-